IN THE HIGH COURT OF JUDICATURE FOR RAJASTHAN AT JAIPUR BENCH

S.B. CRIMINAL MISC. PETITION NO.204/02

Iqbal Mehmood **Versus** State & Ors.

DATE OF ORDER :: 13/08/2007

HON'BLE MR. JUSTICE AJAY RASTOGI

Smt. Sumati Bishnoi, for petitioner
Mr. Arun Sharma, P.P.

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Instant petition is directed against the order of learned trial Judge dated 1st August, 1998 whereby the application filed by complainant-petitioner u/s.190 Cr.P.C. for taking cognizance against accused-respondents also u/ss.452 & 307 IPC was rejected – against which revision petition was preferred that too was dismissed on 27th September, 2001.

Complainant-petitioner for the incident of 16th May, 1997 lodged a report at Police Station Kotwali, Tonk. It was alleged that respondents entered his house, opened fire and also gave beating to him. The Police after investigation on 14th July, 1998 filed charge sheet against accused-respondents u/ss.147, 149 & 323 IPC. At this stage, application was filed on behalf of complainant-petitioner for taking further cognizance against them u/ss.452 & 307 IPC which is made out against them from the evidence which has come on record, but after hearing parties, learned trial Judge dismissed his application

vide order dated 1st August, 1998 and the revision petition also met the same fate.

I have heard counsel for petitioner and so also learned Public Prosecutor.

Learned trial Judge has given cogent reasons and has taken into consideration not the FIR, but the evidence which has been recorded and so also two investigation reports undertaken by Investigating Officer in the matter and finally was of the opinion that accused-respondents be charged u/ss.147, 149 & 323 IPC.

So far as grievance of petitioner with regard to Sections 452 & 307 IPC is concerned, the same does not find any merit.

This court has gone through the order impugned and does not find any error which may call for interference.

Consequently, the misc. petition fails and is hereby dismissed.

[AJAY RASTOGI],J.

FRBOHRA,JR.P.A.